

**IN THE UNITED STATES BANKRUPTCY COURT
IN THE SOUTHERN DISTRICT OF TEXAS**

In the matter of:

SHIRLEY HOGAN,

Debtor.

Cause No: 18-33545
Chapter 7

SHIRLEY HOGAN

Plaintiff,

Adv. Pro. No. _____

vs.

NELNET

Defendant.

PLAINTIFF'S REQUEST FOR HARDSHIP DISCHARGE
PURSUANT TO 11 U.S.C. § 523(a)(8)

Plaintiff, Shirley Hogan, by and through her undersigned counsel, files this Complaint pursuant to 11 U.S.C. § 523(a)(8) and alleges the following in support of the requested relief:

JURISDICTION

1. This is an adversary proceeding in which the Plaintiff is seeking a hardship discharge of her student loans. This court has jurisdiction under 28 U.S.C. § 157 and § 1334 to hear this proceeding. This is a core proceeding pursuant to 28 U.S.C. § 157 (I).
2. Plaintiff, Shirley Hogan, has statutory standing and initiates this proceeding pursuant to 11 U.S.C. § 523(a)(8) to determine if her student loans are dischargeable due to the undue hardship they cause Ms. Hogan.
3. Venue is proper pursuant to 28 U.S.C. § 1409(a).

FACTUAL BACKGROUND

1. Between 1990 and 1999, Ms. Shirley Hogan borrowed \$35,780 in student loans, pursuing first an Associate's degree and later a Bachelor's degree. Almost twenty years after completion of her final degree, the current balance owed on the loan to Nelnet is \$53,643.43.¹
2. Ms. Hogan, at age fifty-one, has a monthly net pay of \$1787, which is the highest salary she has received at her current employer of six years.² After monthly expenses, her income is in the negative³. Ms. Hogan has applied for numerous jobs, over the years, but has not been offered a higher-paying position or advancement opportunities.⁴
3. In addition to not making a substantial income, Ms. Hogan has been diagnosed with various health issues that are affecting her ability to work.⁵ Her current job as a social worker, which she has held for the past six years, has become difficult to carryout due to her ongoing health problems and multiple surgeries. Ms. Hogan's physician has submitted a letter to her place of employment informing them of her need to cut back on her mandatory overtime hours because of these issues.⁶ They are affecting her everyday life and ability to make an adequate living.
4. Before filing for bankruptcy, Ms. Hogan utilized the student loan repayment options available to her through Nelnet. She entered into an income based repayment plan and utilized the deferment option when necessary to ensure her loans did not go into default.

CAUSE OF ACTION

1. Based on Ms. Hogan's current income and expenses, she is unable to maintain a minimal standard of living for herself if forced to repay the loans.
2. At age fifty-one, Ms. Hogan's physical limitations and inability to work long hours due to her failing health, hinder her ability to afford to pay her student loan debt now and in the foreseeable future. Ms. Hogan's student loans pose an undue hardship for her.

¹ Exhibit 1 – Ms. Hogan's bill from Nelnet

² Exhibit 2 – 2016-2017 tax returns

³ Exhibit 3 – Schedule J of Ms. Hogan's petition

⁴ Exhibit 4 – Summary of jobs applied for by Ms. Hogan and rejection notices

⁵ Exhibit 5 – Letter from physician noting Ms. Hogan's health issues

⁶ Exhibit 6 – Notice from Ms Hogan's physician submitted to her job to limit hours

3. Ms. Hogan has made good faith efforts to repay the loans. Despite her efforts, Ms. Hogan's student loan debt continues to grow as she becomes less able to pay back the loan.

PRAYER

WHEREFORE, Plaintiff, Shirley Hogan, respectfully requests that the Court grant her a hardship discharge of her student loan debt owed to Nelnet and such other and further relief the Court deems appropriate.

Respectfully Submitted,



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